

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

November 19, 2015



Planning Variance case no. PV 15-14: Shabeer Jaffar

CASE DESCRIPTION: 4-foot variance from the minimum 15-foot building setback generally required from side property lines that adjoin a local street, to allow the proposed construction of new a single-family home that is planned to extend within 11 feet from the southeast side property line on property zoned Residential District – 5000

LOCATION: approximately 0.301 along E. Dodge Street addressed as, 812 E. 32nd Street, located at the north corner of East 32nd Street and E. Dodge Street, being Lot 24 of the Mary Cavitt Addition

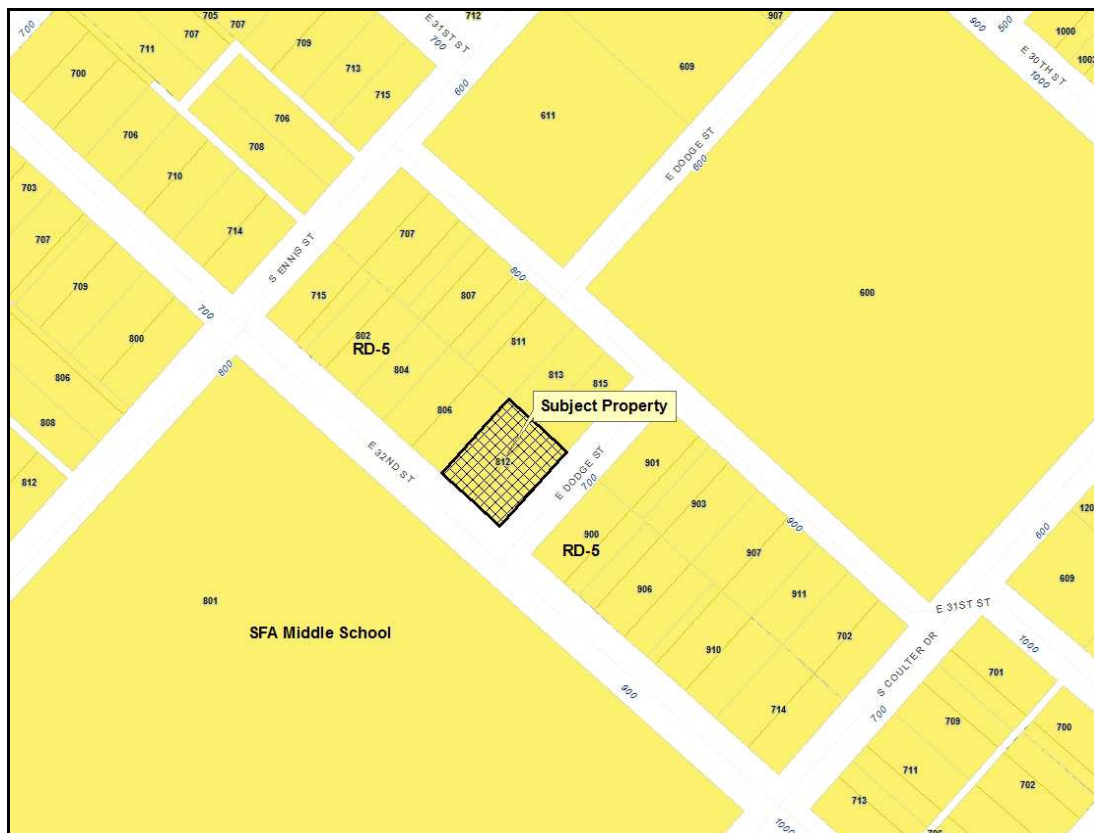
EXISTING LAND USE: vacant lot (currently part of single-family home site on adjacent lot)

PROPERTY OWNER: Shabeer Jaffar

APPLICANT: Jeffry Scott Hancock

STAFF CONTACT: Stephanie Doland, Staff Planner

SUMMARY RECOMMENDATION: Staff recommends **approving** the requested variance.

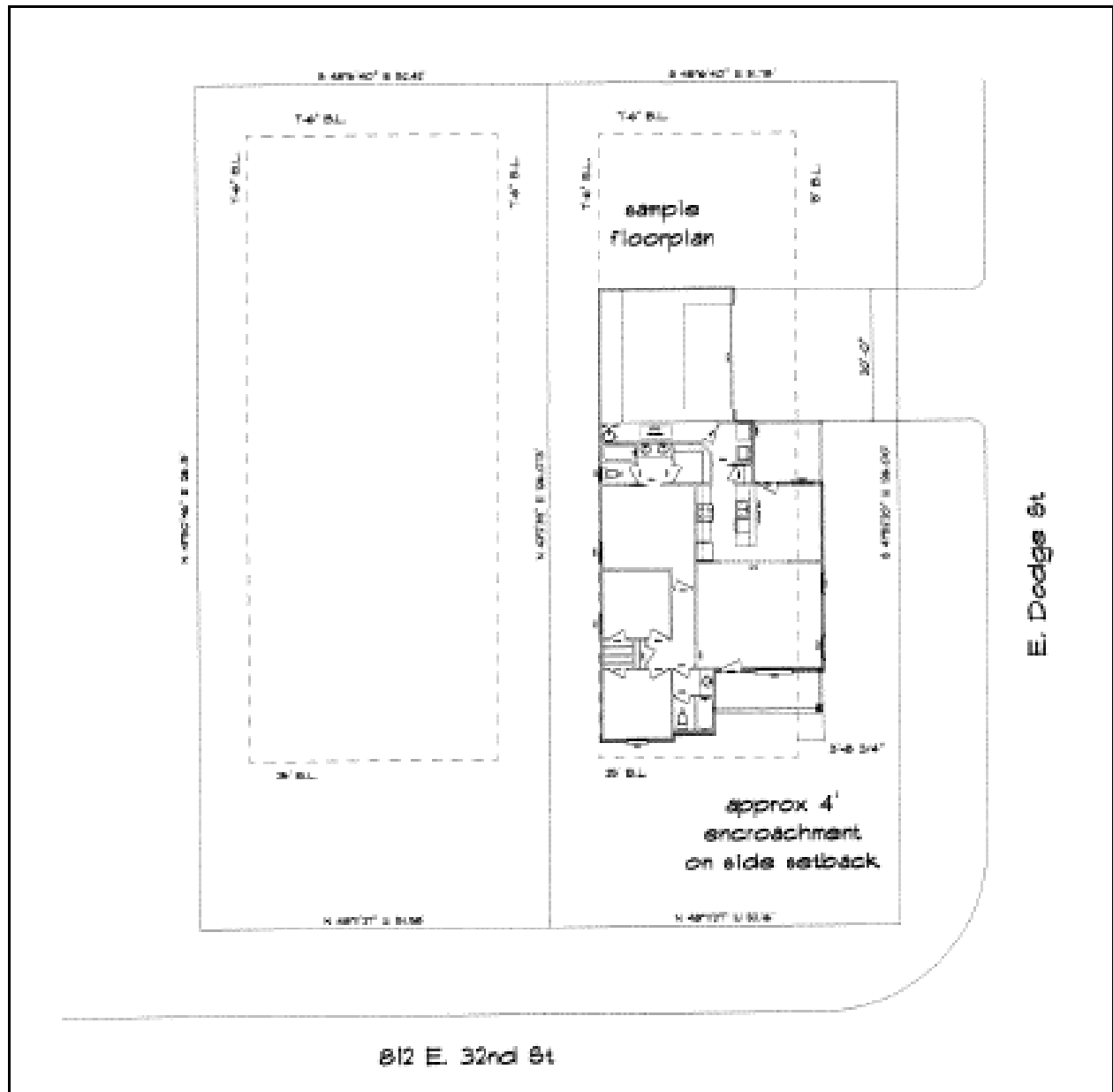




BACKGROUND:

The subject property is zoned Residential District – 5000 (RD-5) and currently addressed as 812 E. 32nd Street and part of a single-family home site on two platted lots (Lots 23 and 24 of the Mary Cavitt Addition). The westernmost lot, Lot 23, is developed with a single-family home. The easternmost lot, Lot 24 borders East Dodge Street. The applicant, John Scott Hancock, is proposing to build two new single-family homes on these two lots. In order to be able to extend the proposed new home on Lot 24, adjacent to E. Dodge Street, to within 11 feet from that side property line, Mr. Hancock is requesting a 4-foot variance to the minimum 15-foot building setback generally required from side property lines that adjoin a local street (Land and Site Development Ordinance Section 62-161), as shown on the site plan attached below.

SITE PLAN:



APPLICANT REQUEST:

Setback Variance Request

The following page should be completed **ONLY** for setback variance requests.

Please describe the type of variance being requested:

Reduction in the side setback on lot 24 Mary Cavitt Subdivision
from 15' to 11' (4' reduction)

State how the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties in the area:

The lot is one of (if not) the last lots in Mary Cavitt subdivision
that have not been developed. Any variance granted on this property would
have little or no consequence to the other properties in this subdivision.

State how the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties directly abutting the subject property:

A reduction in the side setback would not interfere with traffic,
parking, visibility, utility work, or anything else that would
be detrimental to the public health, safety, or welfare. The
only property abutting the subject property is East Dodge Street.

State how the hardships and difficulties imposed upon the owner are greater than the benefits to be derived by the general public through compliance with the requirements of the ordinance:

Owner is seeking to develop 2 lots with 2 single family homes
The reduction in the buildable area ^(created by the corner side setback) makes it difficult to develop the
corner lot without a variance. A small reduction in side setback or
a movement of the property lines (width) between lot 23 & lot 24 will
resolve this issue and enable new development to enhance this older
neighborhood.

ANALYSIS:

The Planning and Zoning Commission may authorize a variance from minimum building setback standards stipulated in the Land and Site Development Ordinance. No variance shall be granted unless the Planning and Zoning Commission finds that all of the following criteria are met:

1. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the area (an area encompassing approximately a 200-foot radius);

As stated above, the subject property is proposed to be developed along with neighboring property to the northwest and this specific lot is located at the intersection of E. 32nd and E. Dodge Streets. The requested variance, if approved would allow the proposed new home to be located 4 feet closer to E. Dodge Street than what is allowed by current development standards.

The adjacent segment of E. Dodge Street is a 55-foot wide right-of way that is 260 feet in length. If the requested variance were approved, then new home would still be set back approximately at least 29 feet from the edge of pavement on E. Dodge Street which currently has 27 feet of pavement, which is the typical pavement width for local streets. It appears unlikely that traffic in this vicinity will necessitate the widening of this segment of E. Dodge Street in the near future (if ever).

Staff therefore contends that the requested adjustment the minimum side building setback, in this particular case would not have any effect on neighboring properties in the area and will not be detrimental to public health, safety or welfare or the residential ambience of this older Bryan neighborhood. An existing home on the adjacent property to the northeast, which also shares a side property line with E. Dodge Street, appears to extend all the way to that east side property line without causing any apparent ill effects to public health, safety or welfare.

2. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties abutting the subject property;

Given the same reasons stated above, staff contends that if granted, the requested 4-foot encroachment into the 15-foot side building setback adjacent to E. Dodge Street will produce no measurable effect that could be detrimental to the public health, safety or welfare, or materially injurious to properties abutting the subject property.

3. That the hardships and difficulties imposed upon the owner/applicant are greater than the benefits to be derived by the general public through compliance with the requirements of this chapter.

Staff generally encourages redevelopment in older neighborhoods of Bryan. The hardships and difficulties upon the owner to comply with the ordinance at this time will be greater than the benefits derived by the public were the ordinance strictly enforced. In this particular case, staff believes approving the requested variance is believed to have the most likely long-range benefit, balancing both public and private purposes.

RECOMMENDATION:

Based on all of these considerations, staff recommends **approving** the requested variance.